

*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## New Rules

### ■ ELECTRIC SERVICE

The ILLINOIS COMMERCE COMMISSION adopted amendments to Net Metering (83 IAC 465; 39 Ill Reg 6134), effective 5/6/16, implementing changes to the Public Utilities Act that affect electric customers who generate all or part of their own electric power and sell the power they generate to an electric service provider. (Net metering determines the customer's electric bill based on the difference between power generated by the customer and power purchased by the customer.) The rulemaking defines all residential customers and certain non-residential customers, based on their peak demand and the electric utility serving their area, as non-competitive customers eligible for net metering. Four categories of non-competitive customers are outlined in the rulemaking based

on how their electric service is calculated; the rulemaking specifies billing procedures for each type. Information on net metering and applications for net metering service must be published on an electric provider's website, along with a point of contact for information regarding net metering. Applications for net metering may be accepted on paper or electronically and date stamping of applications may be done electronically. Electric providers may cap net metering enrollment at 5% (currently, 1%) of that provider's peak demand in the previous calendar year. The definition of an eligible renewable electrical generating facility is expanded to include multiple generators (currently, one generator) with a total rated capacity not exceeding 2,000 kilowatts and generators

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## Proposed Rulemakings

### ■ UNIVERSITY FURLOUGHS

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM proposed amendments to State Universities Civil Service System (80 IAC 250; 40 Ill Reg 3772), establishing a furlough system in lieu of layoffs so that university employees can maintain insurance coverage and other benefits. A companion emergency rulemaking effective 3/1/16 appeared in the 3/11/16 *Illinois Register* at 40 Ill Reg 3722; it expires 7/28/16. The proposed rulemaking defines the terms furlough (placement of an employee in a temporary non-duty, non-pay status for a continuous or non-continuous period of time due to a lack of funds). Furloughs shall be established by status and then by service and seniority and in the following order: employees on temporary assignments;

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**NEW RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

**PROPOSED RULES:** Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

**QUESTIONS/COMMENTS:** Submit mail, email or phone calls to the agency personnel listed below each summary.

**RULE TEXT:** Available on the Secretary of State ([www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://www.ilga.gov)) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

## New Rules

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powered by agricultural residues, wood waste, landscape waste, and other forms of renewable fuel (in addition to solar, wind, fuel cell and water powered generators). Other provisions address reapplications by customers whose previous net metering authorization was canceled; procedures for net metering customers who are switching to different electric providers or to alternative retail electric suppliers (ARES); and procedures applicable to meter aggregation. Since 1<sup>st</sup> Notice, ICC has (in response to a JCAR Objection) replaced references to electric

“suppliers” with the term “providers” to conform more closely to statute. Those affected by this rulemaking include individuals, businesses, and electric providers that use net metering.

Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/558-2387.

### STATE PROPERTY

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to Marking, Inventory, Transfer and Disposal of State-Owned Personal Property (44 IAC 5010;

39 Ill Reg 13880) effective 5/6/16 that require individual identification numbers to be placed only on State property that has a value of more than \$500 and is subject to theft (as determined by each agency). Property of lesser value must be labeled as State property but does not require an identification number. All equipment valued in excess of \$500, as well as lesser-valued property that is subject to theft, must be reported to CMS by the holding agency.

Questions/requests for copies: Kelly Weston, CMS, 720 Stratton Bldg., Springfield IL 62706, 217/524-7518.

## Proposed Rulemakings

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employees on temporary upgrading assignments (unless the temporary upgrade is due to a collective bargaining agreement or public safety or welfare); provisional employees; extra help employees; new hires during an initial probationary period; intern appointments; and status employees. An employee on paid military leave shall not be scheduled for any furlough days, but may be scheduled for furlough days upon his/her return to work. Employers may not use the furlough program for the following reasons: a permanent shutdown; as a substitute for permanent part time employment; or as a disciplinary measure. Employees on furlough are not allowed to use

vacation, sick or any other type of compensable time. Furloughs may be voluntary or mandatory for a period of up to 30 days a year. Other than pay and pension credit, furloughed employees shall be entitled to other benefits, such as accumulation of sick and vacation leave. Furlough programs may be inclusive of all employees within a university or division thereof, irrespective of employment status, source of funds or place of work. Universities shall develop uniform participation and selection criteria. Furloughs subject to collective bargaining agreements are subject to applicable state/federal labor laws. A university may start a voluntary or mandatory furlough program upon notification to the System at least 15 days prior to

implementation. Universities are to report whether the program is for the entire place of employment or a designated unit of the university, what consideration has been considered or invoked for employees exempt under the State Universities Civil Service System Act, the circumstance(s) giving rise to the furlough, the funding deficit regarding the affected work areas and the starting and end dates of the furlough program.

Questions/requests for copies/comments through 7/5/16: Jeff Brownfield, SUCSS, 1717 Philo Rd., Suite 24, Urbana IL 61802, 217/278-3150, [jeffb@succss.illinois.gov](mailto:jeffb@succss.illinois.gov)

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## Proposed Rulemakings

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### ■ STATE PAYMENTS

The COMPTROLLER proposed amendments to the Part titled Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment (74 IAC 330; 40 Ill Reg 7519) implementing statutory changes. (CMS proposed corresponding amendments to 74 IAC 900 in the 5/5/16 *Illinois Register*.) The rulemaking imposes Prompt Payment Act interest penalties upon unpaid bills from State vendors beginning 90 days (currently, 60 days) after the bill is received, for bills payable from funds appropriated after 12/28/12. Also, for services provided after 7/1/15, payments made for utility service provided by a local government entity are not excluded from the Prompt Payment Act and are subject to interest penalties. Local governments and small businesses with State contracts are affected.

Questions/requests for copies/comments through 7/5/16: Alissa Camp, Office of the Comptroller, 325 W. Adams St., Springfield IL 62704, 217/782-6000, fax: 217/558-5123.

### ■ INCOME TAX

The DEPARTMENT OF REVENUE proposed an amendment to Income Tax (86 IAC 100; 40 Ill Reg 7522) detailing the claim of a subtraction modification due to an itemized deduction, or income tax credit in lieu of a deduction, as a result of repaying an amount included in a previous year's return under the "claim of right" doctrine. The claim of right doctrine requires a taxpayer to claim income if they receive the income even though they do not have a fixed right to the income.

Questions/requests for copies/comments through 7/5/16: Brian Stocker, DOR Legal Services, 101 W. Jefferson St, Springfield IL 62796, 217/ 782-2844.

### AIRPORTS

The DEPARTMENT OF TRANSPORTATION proposed an amendment to Airport Hazard Zoning (92 IAC 16; 40 Ill Reg 7544) adding Marshall County Airport (Lacon), Monmouth Municipal Airport and Lake in the Hills Airport to the list of airports that have adopted DOT's statewide airport zoning rules affecting placement and maintenance of structures and vegetation more than 50 feet above ground level. DOT also proposed repeal of the Part titled Marshall County Airport Hazard Zoning Regulations (92 IAC 64; 40 Ill Reg 7550) since these rules are being replaced by the rules in Part 16.

Questions/requests for copies/comments on the 2 DOT rulemakings through 7/5/16: Robert Hahn, DOT, 1 Langhorne Bond Dr., Springfield IL 62707, 217/524-1580.

## Second Notices

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The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's June 14, 2016 meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### SECRETARY OF STATE

School Bus Driver Permit (92 IAC 1035; 40 Ill Reg 3493) proposed 3/4/16

### IL LABOR RELATIONS BOARD

General Procedures (80 IAC 1200; 40 Ill Reg 2414) proposed 2/5/16

### DEPT OF CENTRAL MANAGEMENT SERVICES

Pay Plan (80 IAC 310; 40 Ill Reg 5047) proposed 3/25/16